



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/760,464

01/21/2004

Paul Rich

WLJ.099

1392

20987 7590 05/28/2009  
VOLENTINE & WHITT PLLC  
ONE FREEDOM SQUARE  
11951 FREEDOM DRIVE SUITE 1260  
RESTON, VA 20190

EXAMINER

MCDONALD, RODNEY GLENN

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

05/28/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

*Ex parte*: PAUL RICH and CLIVE WIDDICKS

---

Application No. 10/760,464  
Technology Center 1700

---

Mailed: May 28, 2009

---

Before TOI JOHNSON *Review Paralegal*  
JOHNSON, *Review Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on May 27, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER, EVIDENCE RELIED UPON

Section §1207.02 of the *Manual of Patent Examining Procedure*

(MPEP) (Eighth Edition, Rev. 6, September 2007) states:

(A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . . .

- (8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and in the case of nonpatent references, the relevant page or pages.

The Examiner's Answer mailed February 4, 2009 is deficient because the "Evidence Relied Upon" section fails to include the reference Francis cited on pages 3, 5, 6, 7 and 9 in the Examiner's Answer's grounds of rejection of claims 1, 2 and 4-11 under 35 USC § 103(a).

Appropriate correction is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) issue a PTOL-90 citing the missing references listed under the Evidence Relied Upon section, paragraph (8); and
- 2) for such further action as may be appropriate.

Application No. 10/760,464

If there are any questions pertaining to this Order, please contact the  
Board of Patent Appeals and Interferences at 571-272-9797.

VOLENTINE & WHITT PLLC  
ONE FREEDOM SQUARE  
11951 FREEDOM DRIVE SUITE 1260  
RESTON, VA 20190